

## INTERVIEW SUMMARY

On 12/08/10 a telephone interview was conducted at the request of the Applicant. Present on the call were: Examiner Chaim Smith; Supervisory Patent Examiner Rena Dye; Applicant's US patent counsel, Dana Stangel; and Applicant's daughter, Marcela Simonkova.

The claim language relating to both of the claims was discussed.

The participants discussed generally the references cited in the prior office action. These references include: Randak, Sr. US Pat. 2,990,100, Comino et al. EP 0 642 993, and Badura EP 0 779 040.

The participants discussed the language describing the tabs. The applicant's representative noted that the use of the term "false" was intended to convey hidden or not readily visible rather than optional or removable. Examiner and applicant agreed that "hidden" would better convey the intended meaning.

The use and placement of the tabs was discussed. The tabs were identified as an essential part of the invention. The tab placement was presented as an important and non-obvious advancement over prior art containers. The tabs are located on the lower 1/3 to 1/2 of the form, close to the fold between the upper and lower parts. The applicant's daughter noted that her father tried many configurations. She noted that other placements could make it deform or crumple. This placement is ideal because it results in a wide opening. The wide opening is one of the features that distinguishes the present application over the cited prior art. Other containers have apertures limited by the circumference created by the top edge. By the low placement of the tabs, the aperture is wider. The Examiner noted that the tabs were not featured in the pending claims. The Examiner agreed to consider claim amendments incorporating the use and placement of the tabs.

The participants discussed paragraph 11 of the Office Action issued on 08/30/10. The Office Action noted the two sides sticking together. There was some confusion as the Applicant's

daughter and the Applicant's counsel did not see the wording cited in the Office Action. After the call, the Examiner conferred with Applicant's counsel and it was determined that there were two copies of the specification in the file having the same date stamp. One of the copies had the language while the other did not. The referenced phrase did not appear in the 18 month publication or in the published Patent Cooperation Treaty (PCT) application. The Examiner agreed that the wording in the application as published was sufficiently clear. No other significant discrepancies were noted between the two versions of the specification.

The Applicant's representative has reviewed the interview summary prepared by the Examiner. The Applicant's representative would clarify the Examiner's comment regarding the specification. The file wrapper contains two specifications dated 23 February 2006. The Examiner's comment regarding the §112 rejection of the document having "no WIPO or PCT document number" refers to the aforementioned discussion of paragraph 11 of the Office Action of 8/30/10. By this comment, the Examiner is noting which specification was the basis of the rejection, not requesting any additional reference to the PCT application. The Applicant's representative would also note that the interview discussion related to both claim 1 and claim 2.

The Examiner agreed to consider claims incorporating additional features related to the areas discussed in the interview. No final determination was reached regarding allowable subject matter.